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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,496	12/11/2000	Brian Feinberg	SEDN/301	3605
56015	7590	01/22/2008		
PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			EXAMINER PARRA, OMAR S	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/734,496		FEINBERG ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Omar Parra		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6,7 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6,7 and 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 6, 7 and 10-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-3, 6, 7, 10-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pandya et al. (hereinafter 'Pandya', Patent No. 6,671,724) in view of

Jones et al. (hereinafter 'Jones', Patent No. 6,687,335) in further view of Vaid et al. (hereinafter 'Vaid', Patent No. 6,502,131).

Regarding claims 1, 15, 16, 19 and 20, Pandya teaches a method for monitoring, from a remote location comprising a monitor and control unit, operations of a head-end in an information distribution system (**col. 4, lines 40-61**), the method comprising:

receiving at the monitor and control unit status from the head-end relating to operations performed at the head-end (**col. 4, lines 30-46; col. 6, lines 53-59; where the control points of the headend may reside separate devices, col. 7, lines 27-39, lines 45-58 and line 67 – col. 8, line 6**);;

displaying, via a graphical user interface (**GUI**), at the monitor and control unit the status from the head-end relating to operations performed at the head-end (**col. 7, lines 55-58 and Figs. 13-15. Also, note the "STATUS" tab in the GUIs shown in the Figures and col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54**);

providing, via the graphical user interface, a user configurable menu to define error conditions (**col. 6, lines 42-66; col. 8, lines 38-43 and 57-64; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54**);

receiving identities of a plurality of remote devices designated to receive status from the head-end via the monitor and control unit (**profiles and parameters including devices identities, col. 11, lines 43-45 and col. 15, lines 6-22**);

receiving an indication of capabilities of each remote device of the plurality of remote devices designated to receive status (**col. 11, lines 43-45 and col. 15, lines 6-22**);

forwarding at least a subset of the received status from the monitor and control unit. to the plurality of remote devices, wherein status are forwarded to each remote device of the plurality of remote devices in conformance with the indicated capabilities (**col. 7, lines 8-58; col. 19, lines 29-31; also see col. 9, line 66 – col. 10, line 7; col. 13, lines 9-15 and 20-23; col. 18, line 45 – col. 19, line 10; and col. 19, lines 7-31, where, in order for the system to function properly, it is inherent that all the devices have to be in conformance with the indicated capabilities**);

receiving a response message from a particular remote device and forwarding the response message from the particular remote device to the headend (**col. 5, lines 45-56; col. 6, lines 60-66; col. 7, lines 27-58; col. 13, lines 20-36; col. 14, lines 2-4 and col. 20, line 39 – col. 21 line 38**), wherein the received response message from the particular remote device includes a command to adjust at least one parameter of a particular operation performed at the head-end (**col. 7, lines 55-58 and Figs. 13-15, col. 4, lines 40-46; col. 6, lines 42-66; col. 12, lines 44-66; col. 13, lines 9-30 and col. 20, line 39 – col. 21, line 54**).

On the other hand, Pandya does not explicitly teach providing, via the graphical user interface, an option to activate an audible alert when error conditions are detected.

However, in an analogous art, Jones teaches or provides evidence that it is notoriously well known in the art of monitoring or control systems, which incorporate the

use of a graphical user interface, to provide an option for activating audio/visual alerts when error conditions are detected for the advantage of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Pandya's invention with the additional teaching of Jones for the benefit of immediately informing or notifying a user of the system or service where a problem or error condition has been detected (see col. 2, lines 60-65 and col. 7, lines 61-66).

As explained, the combined teachings of Pandya and Jones teach all the above-shown limitations. On the other hand, the combined teachings of Pandya and Jones do not explicitly teach that the graphical display includes at least a video bit rate.

However, in an analogous art, Vaid teaches a graphical interface for monitoring the status of network conditions such as flow of information coming on a server, etc (col. 2 line 46- col. 3 line 8), where the information can be of any type such as video, data or voice (col. 1 lines 51-60; col. 8 lines 22-42). Furthermore, Vaid teaches that the interface is able to display the information rate of the monitored server and the controlled features of it such as bandwidth, bitrates, time for connection, etc (Figs. 10-13, where the bit rate is displayed graphically on a plot Bandwidth against time, col. 21 lines 24-40).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Pandya and Jones' invention with the feature of

displaying the video bit rate as taught by Vaid for the purpose of not having to read long logs of text while a dynamic diagram can show it and in that way, giving a user-friendly display for the operator.

Regarding claims 2 and 21, the combined teachings of Pandya, Jones and Vaid teach a method further comprising:

receiving indications of error conditions relating to the one or more operations **(Pandya: col. 12, lines 43-52; col. 13, lines 9-15; and col. 18, line 45 - col. 19, line 31); and**

forwarding one or more alert messages to the one or more remote devices in response to receiving the indications when the audible alert is activated **(Jones: col. 2, lines 60-65 and col. 7, lines 61-66).**

Regarding claim 3, the combined teachings of Pandya, Jones and Vaid teach a method further comprising: polling a plurality of head-ends for status relating to the operations of each head-end **(col. 18, lines 45-67).**

Regarding claim 6, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the indicated capabilities for each remote device is indicated as text, graphics, or a combination thereof **(col. 13, lines 9-23 and col. 19, lines 25-31).**

Regarding claim 7, the combined teachings of Pandya, Jones and Vaid teach a method further comprising:

receiving an indication of a particular reporting level for each remote device designated to receive status, and wherein status are forwarded to each of the one or more remote devices in conformance with the indicated reporting level (**col. 13, lines 9-23 and col. 19, lines 25-31, where the in conformance with indicated reporting level is met by priorities that may be assigned to users or groups of users, as well as configuration of various settings relating to users, applications and resources associated with a particular control point**).

Regarding claim 10, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the received status includes status relating to encoding operations performed at the headend (**col. 11, line 16 – col. 13, line 29**).

Regarding claim 11, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the status relating to the encoding operations includes status for one or more buffers used to store encoded data at the head-end (**col. 11, line 24 – col. 12, line 29**).

Regarding claim 12, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the received status includes status relating to multiplexing operations performed at the head-end (**col. 14, line 45 – col. 16, line 28**).

Regarding claim 13, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the received status includes status relating to a particular transport stream transmitted from the head-end (**col. 9, line 66 - col. 11, line 15**).

Regarding claim 14, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the received status include bit rates for a plurality of types of data being provided from the head-end (**col. 11, line 36 – col. 12, line 29**).

Regarding claim 17, the combined teachings of Pandya, Jones and Vaid teach a method, wherein at least one of the plurality of remote devices is a wireless device (**col. 4, lines 62-67 and col. 7, lines 33-49**).

Regarding claim 18, the combined teachings of Pandya, Jones and Vaid teach a method, wherein the status and messages are forwarded via a standard messaging protocol (**col. 2 lines 50-67; col. 7 lines 33-49**).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP



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